

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MELVIN LOWE,)	
)	
Plaintiff/Petitioner,)	
)	
vs.)	CASE NO: 2:05-CV-0495-WKW
)	
MONTGOMERY COUNTY BOARD)	
OF EDUCATION; VICKIE JERNIGAN,)	
MARK LaBRANCHE, TOMMIE)	
MILLER, MARY BRIERS, DAVE)	
BORDEN, HENRY A. SPEARS and)	
BEVERLY ROSS, in their official)	
capacities as members of the)	
Montgomery County Board of Education;)	
and Dr. CARLINDA PURCELL, in her)	
official capacity as Superintendent of the)	
Montgomery County Board of)	
Education,)	
)	
Defendant/Respondent.)	

PLAINTIFF’S DESIGNATION OF DEPOSITIONS

Pursuant to the Court’s Scheduling Order regarding designation of depositions for use at trial, Plaintiff states as follows:

Plaintiff has no deposition designations at this time that he is aware of. If Plaintiff is unable to procure the attendance of a witness at trial or a witness proves unable to attend or testify because of age, illness, infirmity, imprisonment or is unavailable, Plaintiff reserves the right to utilize any testimony given under oath in this matter, other matters or prior, related proceedings. Plaintiff further reserves the right to use as evidence sworn testimony given regarding this matter, other matters or prior, related proceedings for the purposes of rebuttal and impeachment.

RESPECTFULLY SUBMITTED this the 28th day of June, 2006.

/s/ William F. Patty

WILLIAM F. PATTY [PATTW4197]

Attorney for Plaintiff Melvin Lowe

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2006, a true and correct copy of PLAINTIFF'S DESIGNATION OF DEPOSITIONS was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

James R. Seale, Esq.
HILL, HILL, CARTER, FRANCO, COLE & BLACK
P. O. Box 116
Montgomery, AL 36101-0116

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

/s/ William F. Patty

OF COUNSEL